
JUDGES: FAIR, UP-OR-DOWN VOTES



Priscilla Owen finally received the confirmation vote she deserved after 4 years of partisan obstruction and will serve on the U.S. Court of Appeals for the 5th Circuit.

- Justice Owen waited more than 4 years before receiving an up-or-down vote.
- Now we expect fair, up-or-down votes for Janice Rogers Brown (D.C. Circuit), William Pryor (11th Circuit) and all other qualified nominees.
- Republicans will continue to advance the advice-and-consent principle and insist on up-or-down votes for all nominees who reach the floor.

Democrats' unprecedented obstruction of qualified judicial nominees must stop.

- Never before the 2003 Democrat filibusters had a judicial nominee with clear majority support been denied an up-or-down vote on the Senate floor.
- In 2003, the Democratic minority unilaterally changed the rules to require a new confirmation standard of 60 votes, instead of 51, for certain judicial nominees.
- A minority of Democrats used partisan filibusters to block votes for 10 qualified, majority-supported appeals court nominees, and threatened 6 others.

The constitutional option remains on the table if Democrats continue filibustering.

- Republicans support a return to more than 200 years of Senate precedent ensuring fair treatment for all judicial nominees.
- Before 2003, Democrats and Republicans rejected using the judicial filibuster to block majority-supported nominees, out of restraint and respect for the institution.
- Republicans are committed to protecting the system of checks and balances and the separation of powers, including an independent judiciary.

FILIBUSTER FACTS



All Filibustered Nominees Are Well Qualified and Majority Supported.

- Every one of the filibustered judicial nominees has bipartisan, majority support and is well qualified to serve on the bench.
- All will make good judges who will follow the law, not make the law.
- Republicans will oppose Democrats' attempts to use judicial philosophy to block votes on qualified nominees.

Republicans' Goal in This Debate Always Has Been Fair, Up-or-Down Votes.

- Senate leadership devoted unprecedented debate time to judicial nominations in the 108th Congress, trying to restore the Senate tradition of up-or-down votes.
- Republicans have sought only one thing in the debate over the judicial filibusters – a fair, up-or-down vote for all nominees who reach the floor.
- When asked how many hours Democrats needed to debate Priscilla Owen, Sen. Harry Reid said, "There is not a number in the universe that would be sufficient." (Congressional Record, April 8, 2003)

Appeals Court and Supreme Court Nominations Targeted for Filibusters.

- Democrats' judicial filibusters have targeted influential appeals courts nominations and threaten future Supreme Court nominations.
- Democrats' rhetoric that they approved the vast majority of Bush's judges is misleading – these are mostly lower-court nominations.
- Bush had the lowest first-term appeals court confirmation rate of any modern president.



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